

TUESDAY, SEPTEMBER 10, 1901.

Subscriptions by Mail. Postpaid. DAILY, per Month DAILY, per Year .. BUNDAY, per Year. DAILY AND SUNDAY, per Year DAILY AND SUNDAY, per-Month. Pestage to foreign countries added.

PARIS-Kicsque No. 12, n ar Grand Hotel, Klosque No. 10, Boulevard des Capucines.

THE SUN. New York City

If our friends who favor us with manuscripts ! wish to have rejected articles returned, they must in all cases send stamps for that purpose.

The question of the Vice-President's eccession to the office of President during the latter's disability having arisen. it cannot be made clear too soon. We therefore present on this page the exbaustive analysis of it printed during the illness of President GARFIELD in THE SUN of Sept. 12, 1881. It is a document of the first importance, profitable for study now notwithstanding President McKINLEY's marvellous progress toward recovery makes the contingency of a change in the Administration incomparably more remote than it was even in the time of GARFIELD.

The Inviolability of the President's Person.

One of the consequences of the at tempted assassination of Mr. McKinley will be that hereafter the free and unguarded intercourse of a President with the people will be restrained by necessary regard for his security as an individual and as the head of the State.

Hitherto our Presidents have gone among the people without fear of danger, no matter how close the pressure of the crowds about them. The office has been surrounded with democratic simplicity The President has been the most accessible man in the country, both in his official residence and as he has journeyed through the country. Our American custom has permitted everybody who could reach him to shake his hand, so that for hours together he has had to stand and thus greet passing lines of thousands of people until his right arm was almost disabled by the process. A President has been treated as veritably the father of his people. It has been made incumbent on his office to welcome them all without discrimination; and this democratic familiarity has steadily increased until at last it has reached a degree of license which warns us rudely that it subjects a President to the danger, and at this time of anarchical mania even to the probability of murderous assault.

It has become obvious that for his own safety and for the security of our civilization the time has come when there must be a change in the manner of the relations of the President to the people.

The circumstances of the assault on Mr. McKinley were very different from those surrounding the assassinations of LINCOLN and GARFELD, as also were the motives for the crime. Mr. McKIN-LEY was actually engaged in receiving the people and democratically giving our American custom, when the shots were fired at him by a miscreant who had reached him in the line under the pretence of a desire to receive the friendly greeting. It is impossible to protect a President from violence under such circumstances. In his absolute confidence in the people he offers himself as a sure target for the assassin and a regiment of armed men gathered about him could not protect him from assault.

LINCOLN was assassinated while seated

in a box at a play, not while engaged in such intercourse with the people and at a time when the rancor of a great civil war remained to madden a spirit like that of WILKES BOOTH. Any monarch in the world, no matter how closely his movements were guarded and how sacred the official regard for his person might have met the same fate under the same circumstances. President GAR-FIELD was in a railway station at Washington and about to enter a train for a trip to New York and New England when he was shot by GUITRAU. He was not inviting the assault in a great concourse of people to whom he had offered unguarded courtesy, as the President did at the Buffalo Fair. Undoubtedly, if the station had been kept clear of people until President GARFIELD had passed through, the danger of assassination might have been minimized for the moment; but it would have remained. The assassin could have found another opportunity, and we have seen that the most closely guarded sovereigns can never be kept safe from Anarchistic vengeance. If the Anarchist who shot Mr. McKIN-

LET was determined to commit the crime doubtless he could have found another opportunity than that afforded by the President's visit to the fair; but the way was made easy for him, for any miscreant, however feeble of wit, by the unrestrained access allowed and by our old democratic custom of expecting the President to shake the hand of every one approaching him, no matter how great or what the composition of the crowd. During his journeys through the Union this year Mr. McKINLEY has thus been brought into actual physical contact with many thousands of people in many places. So eager was the desire to get close to him and to shake his hand that oftentimes he was jostled about by the crowds and roughly treated in the press, as if he was a haulequin on free show. It is true that the people were full of respect for him and his office, but they felt that he belonged to them and they had a right to force upon him their uncomfortable attentions. It was the American way, and when this was a simple community it was a good enough way, democratic, expressive of the popular equality under our political

system, genuine and hearty. Now, however, we have had an awful warning that there has entered into our | he can give under the circumstances.

peratic society a dastardly ment, which may be represented in any assembly of people, against whose treacherous ferocity a President must always be protected, so far as it is possible to guard him, by surrounding his person with the sanctity which forbids vulgar contact with it. Even the good and true must be kept aloof, in order that the evil and the treacherous shall be barred from access to him. That means a radical change from the free and fraternal customs of our earlier democracy, but alas! it has now got to

Another kind of sanctity or inviolability appertains to the office of the President. It was referred to by Secretary HAY when he said "it is not to be doubted that the fearful calamity which threatens the American people is due largely, if not exclusively," to the methods of base journals which " have placed the Chief Magistrate of this Republic in the light of a monster beyond the pale of known laws and known rights." Coarse cartoons have held up the President to ridicule and contempt or as a target for vindictive hatred as a low and sordid tool of base conspiracies against the popular welfare. The dignity of the greatest office on earth has been besmattered with mud from the vilest journalistic sewers That outrage will no longer be tolerated by the sense of public decency and by law; and those who abet it, whether they are in trade or in religion, and whatever their conventional respectability, will fall into deserved reproach.

The American people hereafter will guard the person and protect the character of their President against the assault of the murderous and the vile.

Will the Virginia Democrats Keep Their Word?

Mr. Glass, a distinguished member of the Virginia Constitutional Convention, defended in that body last week the proposition to promulgate the revised Constitution without giving the voters the chance to accept or reject it. He put forward and seemed to get a triumphant satisfaction out of this proposition:

" If negro enfranchisement was a crime as we have stended for thirty years, it would be moral cowardice and criminal neglect of a solemn public obligation in this convention not to right the wrong as far as it lawfully may. [Applause.] If, on the contrary the 146,000 black voters of this Commonwealth are nt and competent to pass upon the work of this Constitutional Convention-involving the very essence and intricacies of civil government-they are fit and competent to assume the ordinary prerogatives of citizenship; and the crime of enfranchisement would pale into insignificance beside the crime of dis franchisement. I will restate the proposition in reverse order. If the 146,000 black people of this Commonwealth are fit and competent to pass upon the work of this Constitutional Convention, they are fit and competent to assume the ordinary prerogative of citizenship, and ought not to be disfranchised If they are not at and competent or the ordinar privileges of citizenship, then " would be an awful esponsibility, which I for one will never assume to permit them to pass upon the fundamental la-

This is a mere straddling from the real question. The Virginia Democrats are under "a solemn public obligation. a distinct and voluntary promise to sub mit the new Constitution to the people Be the 146,000 black people fit or unfit, they are no fitter or more unfit than they were when the promise was made. Are the Virginia Democrats men of honor, men of their word, or are they not? Will Even in a State which contains 146,000 black voters, white men are supposed

not to lie. Some clear-headed Democrats in the convention and out of it are telling the men who want to force the Constitution on the State without consulting the voters that such a course means trouble for the Democratic party of Virginia.

The Rioters of Mckeesport.

How completely McKeesport is at the mercy of lawlessness, and how defiant of the law are the members of the Amalgamated Association is apparent from this morning's news.

On Saturday nearly a thousand men went to work in the mill of the National Tube Company. The body of them had to be got into the mill by "strategy." But by Monday morning the strikers had surrounded the works entirely, and as a result a mere handful of men

got to their places. To imagine, in the face of the steady increase of activity in the Steel company's mills elsewhere, that the National Tube Company's workers of Saturday would become idlers on Monday without intimidation is absurd. They were kept away by threats of bodily harm. They were overawed and browbeaten by the crowd of lawbreakers whom Mayor-BLACK stands patting on the back.

The ruffians who thus forcibly barred other men from working may be praised as orderly by the official of the Amalgamated Association and commended as peaceful by foolish people, for on this occasion they shed little or no blood. But they are guilty of outrage not essentially different. They are rioters that must be dispersed and taught sooner or later that violation of other people's right to labor without molestation is not more tolerable than bloodshed.

Money.

Stringency of money at our financial centres, due to the absorption of money into the National Treasury by the excess of Government receipts over Government expenditures, a process which has time and time again in our country's history produced panies and business disasters, is again manifest.

The associated banks of our city appealed yesterday, as they have appealed on many other occasions in past years, for relief from this locking up of public funds that is now going on. We are sorry to say that their action does not comport very well with their declarations of extreme confidence regarding "easy money" and rosy predictions that the "banks were able to take care of the situation" that were heard very recently; and we confess that we think the Secretary of the Treasury will be somewhat puzzled to find what belp

The deposits of Treasury funds in throughout the country are already very large. They have never been made in the past except upon the collateral security of Government bonds furnished by the institutions in question and at present the national banks of the country own only a little over 9,000,000 worth of Government bonds n excess of the quantity actually required by them for the purpose of bank note circulation and as security for the public money already held. The Secretary of the Treasury will hardly dare to enter upon the deposit of public money with banks upon other security than Government bonds. The Secretary ould buy Government bonds in the open market, but this would involve idding above the prevailing market price. That price does not now tempt sales of Government bonds by savings banks and other investment holders. It is obviously a wasteful and preposterous system of conducting national finances which enforces bond issues at one time for the purpose of repairing a Government deficit and again compels he purchase of bonds at a high price for the purpose of reducing an unwieldy surplus. Under this system, a general estimate has to be made of the future expenses and revenue of the Government and taxation laid accordingly. These estimates, in nine cases out of ten, prove faulty and result in either deficit or sur-

orings financial trouble. The only real remedy for the difficulty s the establishment of a great single national bank after the method of all other countries of the civilized world, where the public money will always be at the public's demand.

plus, either one of which is an evil and

JOHANNES VON MIQUEL, whose sudden death was announced yesterday, is likely to hold a higher place in the history of the German Empire than his contemporaries conceded to him. A Hanoverian by birth, he exerted himself after the Seven eeks' War to make his countrymen accept he new order. He was a born administrator, and proved his qualities in municipal affairs by holding for many years the office of Bürgermeister of Osnabrück in Westphalia and later of Frankfort-on-the-Main German Mayors are persons trained for

In the Reichstag, as a leader of the National Liberal party, when that party held power, ne was a man of influence in the committee that put into shape the organization of the new Empire. He was chairman of the committee that codified the German laws. he helped to plan the scheme of German bureaucracy, and when the statesmen and warriors who had made the Empire the BISMARCKS and MOLTKES, were retired MIQUEL was retained to keep the Prussian nachine in working order.

Eleven years ago the Kaiser appointed him Prussian Prime Minister and Minister of Finance. MIQUEL's task was a difficult one; his own political party was in a hopeess minority, and he was obliged to depend on Conservatives and Agrarians to support his master's schemes. At the same time he was obliged to devise financia measures to back WILHELM II's ambitious lans. With CAPRIVI and HOHENLOHE Chancellors who retained some of the traditions of the earlier days, he was able to get long; with von Bullow, who seems anxious to forestall his master's wishes, he could not. There was trouble over the Kaiser's pet project for a great canal system a year ago and last spring von Miquet's resignation was demanded

In Germany the astuteness with which he managed political parties has obscured comewhat his extraordinary services as an administrator and as a financier. He as called popularly a parody on the nickname for the German people "der deutsche MICHEL," and with ill the grumbling at his measures of taxaion, the nickname testifies to a sort of affection, due to the faith of the Germans in his honesty of purpose and to their recognition of what he had done to help make them a united nation. Fault can undoubtedly be found with his economic ideas and the concessions he made for political purposes, but he never lost sight of German

It is probable, therefore, that when the annoyance of paying for the great works undertaken is past, German history will find a place in the second rank, behind its heroes, BISMARCE, MOLTEE, the old Kaiser and the good Kronprinz, for the able and nonest administrator who helped to make their work lasting, JOHANNES VON MIQUEL.

The interesting test of motor vehicles which began yesterday in this city and will terminate in Buffalo next Saturday afternoon, is not to be, like the Frenchmen's race, a speed competititon, but rather a demonstration of the machines' all-round qualities for longdistance travel. The maximum rate at which the chauffeurs may proceed, if they comply with the rules of the contest, is fifteen miles per hour in the open country and eight miles per hour in towns and cities -the limit of speed allowed by law. It is of course, impossible to say that every one of the seventy-seven starters will observe strictly the speed tegulations; but the performances of those who fail so to do will not receive the official indorsement of the supervising committee

While people in some parts of this country decry the automobile for what seem to others comparatively trivial reasons, the most conspicuous example of this tendency has lately been furnished in France. Since the great race which took place between Paris and Berlin, residents along the line of that contest have been loud in their denunciation of the self-propelled "demons." During that race three human beings lost their lives, half a dozen others were maimed, and no end of destruction was wrought among chickens, ducks, geese, lambs, pigs, &c. And the "antiautoists " find additional cause for regret in the fact that all this sacrifice involved the life of only one chauffeur.

The speed of the contestants in the Paris Berlin race certainly was terrific; and likewise, doubtless, the pace maintained this summer by the automobile scorchers in America, notably in Newport, has grossly exceeded the limit prescribed by law. But offences of this description on the part of a few chauffeurs of the over-zealous sort constitute no ground whatever for condemn ing the automobile as a conveyance. The fault lies with the drivers, not with the machines. The automobile is a great and profitable institution, and if any fault is to be found with its use, let the blame be placed where it belongs, namely, with its

Only fools ever thought that one party to laisor contracts dictated wages. One party never did, and one party never will.

ANGER AND DISGUST.

Who Is Guilty in the People's Eyes. To TRE EDITOR OF THE SUX-Sir: Your editorial to-day, entitled "The Spirit of Anarchy," is worthy of the occasion which called it forth. Stealthily, but surely, the spirit of lawlessness and anarchy has been ermeating society in this country, notably rithin the period covered by the last two Presidential campaigns, and the awful act which has just appalled the nation is its nat-ural outcome. Evidently an influence has peen at work, artful and intelligent, operating upon the ignorant, victous and unserus ent in the substratum of society, fostering for the meanest ends this detestable

How widespread is this spirit? Show ne the paper you read and I will show you the manner of man you are. Those who are amused with anarchical sentiments are well on the road toward embracing them, and the idle man prompted by this kind of curiosity is the most fertile ground in which the vil seed can be sown.

When the better element of our people, those who really repudiate and detest these doctrines, shall refuse to purchase, read or harbor these detestable sheets, we shall then in a position to reckon the relative strength of the party which is in favor of civilization and good government and of that which is opposed to them. Let the motte be—touch not, taste not, handle not. It is no excuse to ay you did not know the gun was loaded. YONKERS, Sept. 8.

TO THE EDITOR OF THE SUN-Sir: There an be no question but that the yellow journals are primarily responsible, not only for this attempted assassination of our beloved resident, but for a large percentage of exist ing crime and la wiessness. To me it is simply amazing that some of our leading financiers have not met a violent death at the hands of ersons deluded and mentally poisoned by hese miserable, wicked sheets. capable of expressing myself clearly and to the point, but I am simply overcome and peechless and my vocabulary a hopele umble when I attempt to depict in Anglosaxon the horror and depravity of their publications. A special Anarchistic Secret service Department should be organized in every city, town and hamlet in the United States for the detection and apprehension of this class of criminal Anarchists, and as eve hundred miles to sea and then scuttle he ship, and let the Goldman woman and the "Yellow Man" be placed in the first batch owed out of New York harbor.

JAMES F. PENDLETON.

TO THE EDITOR OF THE SUN-Sir: editorial in to-day's issue of THE SUN, under the headline, "The Spirit of Anarchy," has filled the measure of my approbation to the brim, for which I desire to thank you. It has been enthusiastically indorsed undreds of our citizens to-day, as I am sure

will be by the masses at large who love aw and order.
When the Legislatures of the several States.

as well as Congress, are moved to enact aws to punish or suppress these treasonable organizations, whose mission upon eart seems to be to kill or destroy, attention also of a drastic and restraining nature should e given to their friends who are legitimately accessories before the fact to all acts of their illainy, and from whom they receive the en-

couragement of moral support.

I mean, of course, such yellow journals as the New York Journal and World—papers that have brought opprobrium and disgrace upon decent journalism everywhere.
WASHINGTON, D. C., Sept. 8. R. F. R.

TO THE EDITOR OF THE SUN-Sir: It is at east gratifying to attempt upon our President's life has awak ened public sentiment to the danger which lurks in the foulness of yellow journalism The belchings of one paper in this city, through its so-called editorial columns, hav outlined during the last year a doctrine as pernicious and as mind-corrupting to uneducated, as ever the reddest Red con-ceived in the depths of his ignorant infamy.

TO THE EDITOR OF THE SUN-Sir. ellow journals have asserted time and again hat William McKiniey was a tool of the trusts, that his imperialistic tendencies were at variance with the interests of the "common People. STRACUSE, Sept. 8.

To THE EDITOR OF THE SUN-Sir: The attempt on the President's life must be a biessing to the owners of our anarchistic press, the World and Journal They may well rejoice, but their time will come.

A READER OF THE SUN. TO THE EDITOR OF THE SUN-Sir: The assassin who fired the bullets at President McKinley was in all likelihood a "constant reader" as well as a stanch admirer of the

yellow Journal's editorial page.

Put Ladelphia, Sept. 8.

S SKIDELSKY.

Presidential Handshaking.

TO THE EDITOR OF THE SUX-Sir: In consideration of the risk of danger attending the custom of universal and indiscriminate hand-shaking of the President and other authorities on public occasions, may it not be well to dispense with that practice in the future, open as it is to dangerous abuse on the part of evil-disposed persons presenting them-A READER OF THE SUN.

From London Truth.

During one of the hottest of the recent spells of hot weather a well-known baronet came across three worken engaged on a job on his estate. One of them remarked, as workmen not unfrequently do, on the dryness of the job. The heat had perhaps extended itself to the baronet's temper, at any rate he turned away with the reply. "If you are thirsty, you know where the well is. You will find a pail there." Thinking over his remark a little later, it flashed across the baronet's mind that he had given orders for three bottles of champagne to be put into the pail and lowered into the well to cool for dinner. He hastened to the well and discovered three empty bottles! From London Truth.

Muddy, Slushy, Dusty London.

In spite of, or possibly because of. Parliament, the London County Council, the metropolitan boroughs, and the lighting and pater companies. London is cossibly the most inconvenient and most untildy city of Europe. The streets are either muddy, slushy of dusty: they are littered with straw, cabbage leaves, newspaper posters and omnibus tickets: they are constantly being grubbed up for some reason or other; harrels of beer, coals, and other goods are delivered across the footways at all hours of the day; omni-buses are allowed to block the streets pretty much as they please, and chimneys are allowed to make the air filth) because they "cannot get Weish coal."
So long as London is governed by or rather is dependent for its due regulation upon, a number of bodies all independent of each other, so long will nuisances of various kinds continue. We make no suggestion as to who should be the governing body but that there should be one is certain.

All Old Tale Building Torn Down

From the New Haven Evening Register.
The transformation of the old Vale campus is complete. The last of the college buildings marked for destruction this summer has been razed. The old Treasury building, North College and Lyceum Hall have been levelled during the summer vacation which is now drawing to a close, and nothing now remains now drawing to a close, and nothing now reto mark their site except newly seeded plots which have been graded and which within a few months will leave no trace of the buildings which have covered them for a century.

Married Life to London

From the London Globe.

A woman who took out a summons against her husband yesterday for assault stated that she possessed twenty-eight hospital cards as souvenirs of A Warning Note

Accursed the hand that laid him low.

The coward's cruel, dastard blow Almed too at law and liberty."

Sounds 'round the world, while mid the That universal wells we hear An outraged Nation's scients brief Rung out in warning note and clear— Those suit the Thoun with the ranting, rampant

DISABILITY.

otion of the Vice-President's A sumption of the President's Duties Ex-hamilyely Examined and Explained.

From THE SUN of Sept. 12, 1841. The Constitution of the United States provides that:

In case of the removal of the President fro his death, or inability to discharge the powers and sties of the said office, the same shall devolve on the Vice-President; and the Congress may, by law for the case of removal, death, resignation, or ina-bility, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the ilia ity be removed or a President shall be elected

The words inability and disability are bylously used as synonymous in this section of the Constitution; and the lexicographers define them as synonyms. What do these words, as used in the Con-

titution, mean? Disability may be moral, intellectual,

physical: or it may be all three of these. Must a President be disabled in all three espects-that is, morally, intellectually, and physically-to authorize the assump ion of his office by the Vice-President? Not necessarily, we apprehend. If he were physically strong, and yet in a condition of dementia, or of hopeless insanity, we conclude the case provided for by the

Constitution would have arisen So if his intellect retained its brightness and clearness, but he were speechless and unable to move, such a condition, if of suffcient permanency, might fill the Constitutional requirement of inability or disability which would authorize and require the Vice-President to exercise the powers and duties of President.

But we do not conceive that every tran sient or temporary suspension of certain mental or physical powers of the President omes within this Constitutional provision. All but one of the Presidents that this

ountry has ever had, have been disabled to discharge the powers and duties of the office about one-third of the time, or eight hours out of twenty-four, by sleep, which the old Greeks tell us is the brother of death. Yet no Vice-President ever conceived the idea of taking the oath of office as President the moment the President fell asleen

The exception was John Quincy Adams who used to limit his sleep to four hours; and at 4 o'clock in the morning, stripped to the skin, his clothes lying on the bank of the river, he would be swashing about in the Potomac. This was his quinine to guard against the malaria of the White House.

But even Mr. Adams-great and glorious old man eloquent, the friend of humanity, the fearless champion of liberty as we re nember him-used to make up for his very limited rest by little naps in the evening In conversation with a friend he would make a few remarks, and while the friend was replying he would fall asleep. As he already tnew almost everything, he did not need to bear the answer; and when the sound of the friend's voice died away he would rouse up. and, with a constant outpouring of a flood of instruction, continue the conversation.

Still, during these brief naps Mr. Adan may be said to have been literally disquali fied to discharge the powers and duties of

And in the chrysalis, imperfectly develned state of existence, in which we are in this world, most men are as good as dead, lost in the embraces of the brother of death, just about one-third of the time

Our helplessness in this particular nce powerfully set forth by William H Seward in a memorable interview which we held with him at his house in Washing-"Why, sir," said he, "it is but a few hours a man can keep awake anyway. If he is tied to the mouth of a loaded cannon and knows that just as soon as he goes to sleep it will be fired off, and he will be blown to atoms, still, in a little while he will drop to sleep, simply because he cannot keep awake any longer."

It may be argued that when a President is asleep he may be readily awakened, and restored from his temporary disability; soon return; just so the doctors have nearly all along been telling us that Gen. Garfield was doing well, and would be restored from his temporary disability-if any such disability existed.

Presidents are like other men in this respect. Temporary inability to discharge the powers and duties of the office falls on them upon the average about three hundred and sixty-five times a year, every

year of a term. Now, it cannot be any inability or disability of this kind that the Constitution means. It must be not only a disability in one respect, or in more respects than one. but it must be of a considerable degree of permanency.

Moreover, the inability or disability must be certain, and not, by any possibility, merely conjectural or imaginary. To come directly to the question which

now agitates the public mind, and is under discussion by the leading public journals Does the condition of James A. Garfield sent a case of disability such as is provided for by the Constitution? We think not.

What executive duty has he failed

The public offices to which the President appoints are, with very few exceptions, all filled. It is true there are a great many applicants for the removal of existing officers and for appointment to the vacancies thus to be created; but the President is under no Constitutional obligation within any limited period, or at any time, to even consider these applications. For not doing t he may be shot, as he was shot by Guiteau, or otherwise feloniously assaulted; but he cannot for such cause be removed or superseded. The patriots now in office are kindly willing to continue in the service of their country, while the outsiders, greedy and clamoring for their places, are probably no further distant from the posts they covet with Garfield President and ill, than they would be with Arthur President and well. This may be cold comfort but it is all there is for them

The duty of delivering up, under treaties fugitives from the justice of certain countries in the only case which has arisen since the President was wounded, has been complied with, the President affixing his own sign manual to the warrant of extra-

But suppose there should be a little delay n the execution of these treaty stipulations, the warm expression of sympathy for the President by the heads of those Governments with which we have extradition treaties shows how little they would be inclined to make unreasonable complaints: while it is safe to say the fugitives would be willing to wait. The Court of Appeals of the State of New York kept under advisement for many weeks the question of the rendition of an alleged fugitive on the requisition of the Governor of a State, and even adjourned over a vacation before deciding the case The Constitution directs that the Presi-

dent shall receive Ambassadors and other public Ministers but it does not say when he shall receive them. All the Presidents from Washington down, have voluntarily placed themselves in a state of temporary inability for the performance of this duty by absenting themselves from the capital.

Alexander Hamilton in the Federalist,

the President to receive Ambassadors, that "it is a circumstance that will be without if anything was done, the physicians should conconsequence in the administration of the

It is not for a temporary disability such se every President of the United States has voluntarily incurred, and for a circumstance regarded by the framers of Constitution, such men as Hamilton, as of no consequence, that Gen. Garfield is to be set aside.

The duties of the President are differ ent at different times and under different circumstances. In time of war his duties are far different from his duties in time of peace. So he might be absent from the capital, either from choice or from illness, during a vacation of the National Legisature for a length of time that would not be permissible when Congress was in session. The Constitution requires of the President that "he shall from time to time give to the Congress information of the tate of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." The President may be entirely disabled for the performance of such a task to-day, and yet, when Congress meets, he may be as well able to discharge the duty as he ever was. Such not impossible contingency affords no case of disability which would warrant the Vice-President in supersed-

ing the President.
Mr. Colfax says: "Congress has doubtles erred in not settling by law how the Constitutional 'inability' of the President should be determined. • • It is a casus

With due submission, we maintain a contrary view. All that Congress can Consti tutionally do in the premises would be merely declaratory. They can declare hat in their opinion disability exists, but it would be a mere declaration, not an adjudication. It would be evidence entitled to the consideration of the Vice-President and to more or less weight, according to the deliberation and unanimity with which it should be made. Suppose the House of Representatives should pass such a resolution after a tie, merely by the vote of the Speaker; and suppose the Senate should pass the same resolution by the vote of its presiding officer, it would require a bold Vice-President to grasp the helm of State

with such a stormy sea before him. It is beyond the power of Congress to auhorize any tribunal to decide this question except the courts of the United States. It would be a case arising under the Constitution of the United States, the exclusive jurisdiction of which is reposed, by the Constitution, in the United States judiciary; and of which exclusive jurisdiction he United States courts cannot be deprived except by a change of the Constitution.

Mr. Robeson has been ridiculed a good deal for saying that the Vice-President himself must decide the question of disability But if Mr. Colfax is correct, that this is a casus omissus then Mr. Robeson is supported by very respectable authority. Levi Woodbury, one of the ablest and learned of American jurists, who at different periods of his life adorned the Senate, the Cabinet and the bench, said:

When questions arise, not confided to the judiciar; of the States or the United States, the officers cor-

It was never intended by the framers of the Constitution that the Vice-President should take the office of President where the disability of the President could fairly be called in question. It must be a clear undoubted case for him to act; for other wise he acts at his own imminent peril. There has never been a day since Gen. Garfield was wounded when Gen. Arthur could have assumed the office of Presiden with any safety to himself or any prospect of retaining it; for if he should seize it unwarrantedly, he would subject himself to impeachment. He could take the oath of office here as well as at Washington; but what magistrate would consent to administer the oath under such circumstances? Arrived at Washington, would the Superntendent of the Public Grounds admit him to the White House? To be sure, the occupancy of the Executive Mansion is not essential to the administration of the Government, and Andrew Johnson lived at a hotel some time after he became President. But would the army and navy and the principal civil officers obey or observe his orders?

At the very eve of his departure from Washington Gen. Garfield manifested a self-possession, a thoughtfulness and an acuteness in which his numerous physicians, nurses and attendants were all found lacking. According to our esteemed contemporary, the Tribune, it was the President himself who, after the preparations were all completed, made the important and vital suggestion that a well man should be first carried downstairs on the bed that had been prepared, to test it. He has selected from among his physicians those to be discharged and those to be retained, a task fully as difficult and delicate as removing and appointing public officers. These things do not argue the existence of that disability provided against in the Constitution. It is true the President has since been much worse; but if there be anything that would shock the sensibilities of all the people of this country, creating an intense revulsion of feeling against the Vice-President, it would be the exhibition of an indecent haste to step into the shoes of a dying President.

It is not surprising that the unprecedented situation should have given rise to a great variety of proposals. Among these some, attributed to different members of the Cabinets, have been very ridiculous. Such was the suggestion that Gen. Garfield should invite Gen. Arthur to the White House to sign the most important documents; in other works, to become the President's clerk or secretary! Another was that the President should exercise one of the largest and most extraordinary of all his powers, that of convoking an extra session of Congress, to prepare the way for the smooth ascent of the Vice-President to his office-thus, however, conclusively disproving his own disability!

As he has shown himself capable of writing a letter to his aged mother, it is believed that he could at least affix his signature to his own political death warrant. The barbed arrow that is to pierce his breast they will invite him to shoot from his own Then shall be applicable to the President Lord Byron's lines on Henry Kirke White:

So the struck eagle, stretched upon the plain. No more through rolling clouds to soar again, Viewed his own feather on the fatal dart.

And winged the shaft that quivered in his heart It was stated that the doctors would broach this matter to their patient. We do not credit the rumor. Their business is to heal the sick; not to advise him to commit suicide for anybody's benefit

An invitation from Gen. Garfield to Gen Arthur to take the office of President would have no legal effect unless it was so framed and addressed as to amount to a resignation. in which case it is certain that Gen. Garfield, in the event of his recovery, could not resume the office. It is not for the incumbent to put off and take on the office of President at his own convenience or pleasure.

But the most objectionable of all the expressions on this important subject which have fallen under our notice, is that of Gen | true liberty;

tify to the Cabinet that they considered the President unable to perform the duties required of him. They the Cabinet might consider this certificate and forward It to the Vice President, requesting him to act as President during Gen. Garfield's disability. There was nothing legal about this; but Gen Grant said I ould see no other way for accomplishing the end

These views might more fittingly come from a Mexican adventurer or an Italia: bandit than from a man who has been Presi dent of the United States for eight yearthe coolness with which Gen. Grant talkof placing a man in the office of President has a proceeding that "there was nothing legabout" may serve to startle the American people at the narrowness of their escape from the greatest of dangers when the thwarted this man's unballowed ambition

for a third term.

But even Gen. Grant agrees with us on the chief practical point. He says: "There is no present necessity. The Government can get along well enough until Congress meets. It is not unworthy of remark that Senator Hoar of Massachusetts, a ripe scholar and learned lawyer, who has been much talked of by friends of Gen. Arthur for Secretary of tate, in the event of Gen. Garfield's death, ridicules the idea of there being a Consti tutional case of disability at present.

It should be borne in mind that there can e no partnership in the office of President The Constitution provides that "the execu tive power shall be vested in a President of the United States." The indefinite article a means one. The proposition of a plural Executive was fully considered by the convention that framed the Constitution, and was rejected. Many years afterward the plan of a dual Executive was earnestly adocated by John C. Calhoun; but it men with no favor from the people.

When the Vice-President succeeds he office, he becomes President. This point has been a good deal discussed; but we think the contemporaneous construction of a similar provision in an early draft of the Constitution settles it. The original plan for a Constitution, as reported by he Committee of Detail, contained no provision for a Vice-President of the United States; but it did provide that in case of the removal, death, resignation, or disability of the President to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties until another Presiden I the United States be chosen or uni the disability of the President be removed and referring to this clause, Mr. Wilso of Pennsylvania remarked that "the Presi dent of the Senate was to be President of the United States . . . in cases of va cancy;" and Mr. Madison, who immediate followed him in the debate, said: "The Presi dent of the Senate also is to be occasionally President of the United States."

James Wilson was one of the ablest men n the convention, and there can be no higher authority on the interpretation of the Constitution than James Madison; and here we have conclusive proof that in the opinion of these two, among the giants the convention, a clause conferring upon the Vice-President authority to exer ise the powers and duties of President in a certain contingency, conferred upon im, if the contingency arose, the office

Whether, when the office of President levolves upon the Vice-President, on acount of the inability of the President, e is to hold the office until the expiration f the term of four years for which he was lected, or whether the President, if his inability is removed, is to resume his office, ve consider an open question.

An argument that the Vice-President, nce in the office of President, is to hold on to he end of the term, may be derived from the fact that in the original draft providing for the succession of the Vice-President, here was a distinct limit to the period for which he should exercise the powers and duties of President by the addition of these words: "Until another President be chosen, or until the inability of the President be emored." whereas in the Constitution as adopted this limitation is omitted as to the Vice-President, but retained as to any other officer who may be called to act as Presiient. "Affirmative words," says Chief Justice Marshall, "are often, in their operation, negative of other objects than those affirmed." Applying this rule of construction to the clause of the Constitution under consideration, does not the affirmative limitation of the office of President to any other officer who may succeed to it, and the omission of it in the provision for the succession of the Vice-President, show that he limitation is not applicable to the Vice-President; more especially as in the early draft it was in terms extended to the Vice President, but in the Constitution as adopted

is deliberately omitted as to him? We know very well that this view is at variance with the construction common! put upon the Constitution by the people at arge; and if a Vice-President, succeeding o the office of President on account of the lisability of the elected incumbent, should hold on to the office after the removal of such disability, we might expect to see a very lively discussion as to the true meaning of this clause of the Constitution.

We make these brief remarks upon this unsettled branch of the subject on account of the deep interest felt in it; and not because it is relevant to the chief question now under discussion, which is the meaning of the word disability. The construction of that word cannot be controlled or influenced by any consideration respecting the duration of the Vice-President's term, should be take office on account of the President's inability. When the duties of the office descend to

the Vice-President all its powers go with them; and it would be unjust and cruel exact of him the proper discharge of his duties without leaving him free, with the advice and consent of the Senate, to make his own selection of heads of departments. It is only fair toward Gen. Arthur to say that we do not believe that he has ever for a moment thought of attempting to assume the office of President under any circumstances that have yet existed; and although may show a confidence in human nature it which scepties will smile we believe, nd have reason to believe, that Gen Arthur has from the beginning all along. earnestly desired the recovery of Gen Garfield.

In our judgment the United States, during the last seventy days, have prosented the most sublime spectacle in the whole history of human governments Fifty millions of people governing them selves, abstaining even from any act of violence toward the most abhorred at crimina.s. the assassin of the President the great crowds collected along the line by the passage of the prostrate form of Gen. Garfield through three States, greet ing him ever where with regardful silence restraining the cheers that rose sponta neously to their lips, lest the noise should disturb him: the necessary, routine busi ness of the Executive Department moving smoothly on, like nicely adjusted well coled noiseless machinery' Would that Thomas Jefferson could have lived to beold this day, the fulfilment of his fondes: hopes and brightest visions, showing how little government an intelligent, self-to specting people really require. This is